

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

MEMORANDUM AND COURT ORDER

TO: _____ (Sheriff, Jailer, Director of Corrections, Magistrate)

DATE: _____

RE: Implementation of translated bail/bond forms.

The Nebraska Supreme Court has approved for publication the attached bilingual (English-Spanish) forms: *Notice of Rights of An In Custody Defendant*; *Notice of Right to Post Bond*; and *Affidavit in Support of Personal Recognizance Bond*. These forms shall be used for bondable offenses consisting of Class II, III, IIIA, IV, V and W misdemeanors and according to the bond schedule set by Order of this Court. All arrestees/detainees charged with any of the misdemeanors listed above shall receive a copy of these forms according to the following procedures:

1. The bilingual Forms shall be provided upon the arrest and detention at the local county jail or contracting facility.
2. The arresting officer or corrections officer/jailer shall provide the arrestee with a copy of the Forms within two hours of having been brought to the housing facility. The two-hour timeframe may be reasonably extended for cause such as safety, intoxication, etc.
3. Upon delivery of the Forms to the arrestee, the officer delivering the Forms, shall execute the certification contained on Page 4 of the *Notice of Right to Post Bond* form and on Page 4 of the *Notice of Rights of An In Custody Defendant*.
4. The arrestee shall be given a reasonable amount of time to review the forms and shall execute the certification contained on Page 4 of the *Notice of Right to Post Bond* form. The arrestee's signature constitutes an attestation that she/he read the *Notice of Right to Post Bond* form and understands his/her rights and the possible penalties should she/he not abide by any and all conditions set by the court for the arrestee's release.
5. The arrestee shall be given a reasonable amount of time to review the *Notice of Rights of An In Custody Defendant* and shall execute the attestation on Page 4 of said document.

6. If the arrestee is unable to post bond, pursuant to the bond schedule, the corrections officer/ jailer or any other law enforcement officer in charge of the housing facility, shall fax to the court or contact the court with the information contained within the *Affidavit in Support of Personal Recognizance Bond* and may consult a judge or magistrate about the bond. A judge's or magistrate's verbal order setting such person's bond shall supersede the bond schedule for the court.
7. The above information shall be disseminated to all jail personnel. In addition, the *Affidavit in Support of Personal Recognizance Bond* shall be available to detainees after the booking process and treated by jail personnel as a request for a bond review.
8. The blanks regarding the type and amount of bond in the *Notice of Right to Post Bond* shall be completed prior to giving the forms to the arrestee/detainee.
9. Jail personnel shall file the executed Forms with the clerk of the county court as soon as practicable and no later than the morning of the court's next business day.

County Court Judge